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GOVERNMENT OF SIKKIM
TRANSPORT DEPARTMENT

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No. 235/TD/MVD/37/2023/Secy.

Date:- 06.02.2024

NOTIFICATION

Reciprocal Transport Agreement, 2024 Between the States of Sikkim and West Bengal

Whereas, the Reciprocal Transport Agreements were executed between the States of Sikkim and West Bengal in 1996, 2007 and 2022 with a Supplementary Reciprocal Transport Agreement, 2018 in accordance with sub-sections (5) and (6) of Section 88 of the Motor Vehicles Act, 1988 and the same were published vide Notification Nos.18/96-97/MV dated 28.08.1996, No. 67/MV/T dated 09.04.2007, No. GOS/MVD/T/2009-10/Adm/86/01 dated 06.04.2018 and No. GOS/MVD/T/108 dated 05.07.2022 respectively, the said Notifications having been duly published in the Sikkim Gazette Extraordinary vide No 132 dated 26.09.1996, No. 172 dated 04.05.2007, No. 174 dated 17.04.2018 and No. 277 dated 11.07.2022; and

Whereas, both the States have felt and expressed the necessity to review the same for better regulation, control and co-ordination of movement of transport vehicles on inter-state routes and

Whereas, a number of discussions have been held between the officials of Transport Departments of both the States and both the State Governments have agreed to enter into a fresh Reciprocal Transport Agreement by modifying and / or supplementing some of the terms and conditions of the earlier Reciprocal Transport Agreements signed between the two States in a symmetric re-arrangement of mutual interests of transporters of both sides; and

Now, therefore, in pursuance of sub-section (5) and (6) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988) and in partial modification of the terms and conditions of the existing Reciprocal Transport Agreements published vide Notifications mentioned above, the Government of Sikkim do hereby propose to enter into a fresh Reciprocal Transport Agreement with the Government of West Bengal on the terms and conditions as set out in the Schedule hereto.

Any representations giving suggestions/objections which may be submitted within thirty days from the date of publication of this Draft Notification in the Official Gazette before the

Secretary to Government, Transport Department, Yatayat Bhawan, Gangtok shall be heard on a date fixed by him.

This Reciprocal Transport Agreement, 2024 shall come into force with effect from the date on which the same is published in the Official Gazette. This Agreement shall be reviewed after one year by both the States together and may continue thereafter with or without modification, subject to the agreement between both the States on assessment of satisfactory implementation of mutually-agreed terms and conditions and further feedback if any.

SCHEDULE

Terms and Conditions of the Reciprocal Transport Agreement

(A) Stage Carriage Permit: -

- (i) The list of routes with numbers of existing quota and proposed increased number of quotas (as per all previous Reciprocal Transport Agreements) as discussed by the transport officials of both the States for providing stage carriage services in sufficient numbers are placed at Annexure-A

The Permanent Stage Carriage Permit that has already been issued in terms of previous Transport Agreements will be operative and will be carried forward and will be subsumed into the proposed quotas

- (ii) The fares and freight chargeable by the operator in the reciprocating State shall be as approved by the countersigning authority of that State. The tickets issued in one State shall be valid in the reciprocating State.
- (iii) For the safety and convenience of passengers, a Stage Carriage shall be allowed to ply on the Inter-State routes against only such vehicles complying with the emission norms as notified by the Government of India and as per provisions of the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989 and local norms/guidelines if any.
- (iv) The time-table of every service shall be fixed by the permit-issuing State, avoiding clash of timings of other operators on the same route or the routes having maximum alignment over lapped with the said route.
- (v) The initial time-table shall be fixed by the permit issuing State on a purely provisional basis for three months which is to be counter signed by the reciprocating State. This provisional time-table will be final after the expiry of the provisional period on disposal of any objection if received.
- (vi) If necessity arises, temporary permits shall be issued under Section 88(7) of the Motor Vehicles Act, 1988 on mutual concurrence of both the reciprocating States on agreed routes with an equitable number of permits on both sides.
- (vii) Countersignature will be granted by the State Transport Authority of the reciprocating state in case of Permanent / Temporary stage carriage permits for two years at a time, subject to payment of requisite fees fixed by the reciprocating State for the grant of such counter signature.

- (viii) Unless a temporary/permanent permit granted by the permit-issuing State is countersigned by the reciprocating State no further permit/renewal of permit on the same route shall be granted to the permit-holder except in circumstances beyond the control of the issuing authority. The permit-holder, while making application for subsequent grant/renewal of permit, shall submit copy of previous countersignature duly authenticated.
- (ix) Stage Carriage permits shall be allowed by both the States in respect of the vehicles having seating capacities between 27 and 36 including driver and the vehicle shall be equipped with 4(Four) wheels in the rear axle.
- (x) Existing holder of valid Permanent Temporary Stage Carriage permit (s), when wanting to discontinue the service, shall surrender the permit before the primary permit-issuing authority and intimate the fact to the countersigning authority. The primary permit-issuing authority shall also intimate the fact of surrender of permit to the Reciprocating Authority/State for records.
- (xi) Both the Reciprocating States shall allow the Stage Carriages of the other State to pick up and drop the passengers from the respective notified/designated bus terminus.
- (xii) Any extension/curtailment/variation of route shall be accorded by the permit-issuing State in accordance with the relevant provisions of the Motor Vehicles Act, 1988, subject to the concurrence of the Reciprocating State.
- (xiii) The terminating point to the buses shall be the point as prescribed by the State Transport Authority of the Reciprocating State in consultation with the Regional Transport Authority within whose jurisdiction the point falls.
- (xiv) Wherever the terminating/originating point in West Bengal of any route incorporated in this agreement has been shown as Kolkata and/or Howrah, it would be at a terminus as shall be decided and recorded in the respective permit by the permit issuing/ countersigning authority of the State (i.e. West Bengal).

B) Contract Carriage Permit:-

Both the States shall issue permanent Contract Carriage permits in respect of maxi-cabs and Motor-cabs (4-wheeler) to ply between the States of West Bengal and Sikkim (excluding restricted/protected zones/areas/local tourist points), subject to the following terms and conditions:-

- a) Each of the States will grant 6000 (Six Thousand) permanent contract carriage permits (for maxi-cabs and motor-cabs) to be issued by the respective State Transport Authorities which includes maximum 50 Omni buses having seating capacity up to 27.
- b) The permit shall be issued and countersigned by the State Transport Authority of the issuing/countersigning State instead of individual district RTOS.
- c) Permits are to be issued for 5(five) years. However, reciprocating STA will grant counter signature with a validity of two years on production of a valid permit, certificate of fitness, insurance, PUC certificate etc. and payment of requisite fees by the permit holder as well as subject to annual systemic review.
- d) Vehicles of West Bengal shall be permitted to ply throughout the territory of the State of Sikkim (except restricted and protected areas and local sight seeing) and

similarly vehicles of Sikkim shall be permitted to ply through out the State of West Bengal (except restricted Zones/Areas and notified areas and local sight seeing)

(C) Special Permit:-

- a) No Special Permit shall be issued for regular use either by the State Transport Authority, West Bengal (or Siliguri sub-office of STA West Bengal) or by the Regional Transport Officers of Sikkim except in circumstances of sudden and urgent necessities such as marriage, medical treatment for sick person, pilgrimage, funerals, seasonal businesses etc under Section 88(8) of the Motor Vehicles Act, 1988 for a period not exceeding 2 (two) weeks at a stretch to ply between the entire States of Sikkim and West Bengal except the restricted and protected areas for a single up and single down journey only, subject to the payment of requisite fees as fixed by the Governments of reciprocating States, adhering strictly to the conditions imposed under Section 88(8) of the Motor Vehicles Act, 1988.
- b) Such permits shall be issued in respect of motor cab, maxi cab and omnibuses with seating capacity between 27 (Twenty-seven) and (Thirty-six) having four wheels, at rear axle.

(D) Goods Carriage (Temporary Permit)

Temporary permits may be issued for a maximum period of 4 (four) weeks for a single journey by the State Transport Authority /Regional Transport Authority/Regional Transport Officer of either State under section 87(1)(b) and (c) of the Motor Vehicles Act, 1988 for playing on the interstate routes between the two State without prior concurrence or counter-signature of the reciprocating State to perform one up and one down trip service subject to the condition that such Temporary permit shall be issued only for carrying goods for bonafide domestic purpose and not for commercial purpose. Such temporary goods carriage permit shall not carry dangerous /restricted and hazardous goods and shall ply between the State of Sikkim (except restricted and protected areas for which special permission has be obtained) and West Bengal (except restricted zones /Areas and Notified Areas).

- (i) No goods shall be picked up or unloaded in between any two points lying wholly within the areas of the reciprocating States. i.e. such vehicle's shall not be used as intra-state transport within the jurisdiction of the reciprocating State.
- (ii) Such temporary permit shall be used for direct and shortest route connecting the two termini and shall be subject to such other conditions as may be imposed by the transport authority of the reciprocating State.

(E) Goods Carriage (Permanent Permit)-

- (a) The State of West Bengal will grant 800 (Eight Hundred) Permanent Goods Carriage permit up to 18.5 MT (GVW) of which a maximum of 30 (thirty) will be for 10 & 12 wheelers up to 35 MT GVW, with authorization to ply throughout the territory of State of Sikkim (except restricted and protected area for which special permission must be obtained) and
- (b) The State of Sikkim will grant 1200 (twelve Hundred) permanent Goods Carriages permit up to 18.5 MT (GVW) of which a maximum of 50 (fifty) will be for 10 & 12 wheelers up to 35 MT (GVW), with authorization to ply throughout the territory of West Bengal (except restricted Zone/Areas and notified areas).

- (c) The 10 and 12 wheelers trucks plying on counter signature basis should be used to transport only the indivisible loads and Over-Dimensional consignments and heavy earth moving equipment's pertaining to the GREF, Army and projects and should not carry general goods.
- d) The State of Sikkim will issue 300 (Three Hundred) Permits for Oil Tankers with authorization to ply throughout the territory of West Bengal (except restricted Zone, Areas and Notified Areas). Similarly, the State of West Bengal will issue 200 (Two Hundred) permits for Oil Tankers with authorization to ply throughout the territory of State of Sikkim (except restricted and protected areas for which special permission must be obtained).
- e) The respective STAs of both the States will recommend for Counter-Signature and both the States will grant Counter-Signature for Permit for 2(two) year in respect of Goods Vehicles, subject to payment of requisite fees as fixed by the Government of reciprocating States:
- f) Permanent Goods Carriage permits shall be issued by both the States in respect of medium goods vehicles including oil tankers.
- g) The permissible maximum Gross Vehicle Weight (GVW) will be restricted to 35 MT only.
- h) All recommendation and counter signature shall be in an on online mode.

(F) Taxation:-

- (i) Motor Vehicles Tax, Additional Tax and other taxes in respect of both the Reciprocating States shall be exempted.
- (ii) The vehicles of one Reciprocating State plying in the other Reciprocating State shall abide by the Motor Vehicles Act, 1988 and Motor Vehicles Rules of the other reciprocating State

(G) General:-

- (i) Any restriction imposed by the signatory state in its territory under provisions of the Motor Vehicles Act, 1988 shall be equally applicable to the vehicles of both the States.
- (ii) The permit-granting state will grant fresh permit or renew permit on verification of countersignature of the previous permit by the Reciprocating State.
- (iii) It is agreed by both the Reciprocating States for unrestricted movement of Goods Carriage covered with National Permit and Passenger Vehicle covered with the All India Tourist Permit except the restricted and protected areas of both the States.
- (iv) Both the States agree upon corridor facilities to vehicles originating from each State and destined for a third State or Country like Nepal, Bhutan, and Assam etc. under valid permit and counter signature. The State of West Bengal has agreed to grant the corridor facility to all kinds of Transport vehicles between Rangpo and Melli. Hence, no counter signature permit is required for Sikkim-based Transport vehicles between Rangpo and Melli.
- (v) If in the public interest, it is necessary to open any new inter- state route beyond the quota fixed in this Reciprocal Agreement, the procedure of prior concurrence, as

envisaged under Section 88 (7) of the Motor Vehicles Act, 1988 shall be followed by both the States.

- (vi) Any change or correction in any clause of this agreement or any addition or deletion of route(s) or any correction/change in the alignment of the route(s) shown in this agreement may be done by mutual consent after due discussion and that change or correction is to be reflected in the Supplementary Reciprocal Transport Agreement between the States of West Bengal and Sikkim.

Raj Yadav, IAS
Secretary, Transport Department
Government of Sikkim.

Annexure-A

Sl No.	Route	Total Quota as per RTA-1996, 2007, 2018 & 2022		Proposed Increase in Quota		Cumulative	
		For WB	For Sikkim	For WB	For Sikkim	For WB	For Sikkim
1	Darjeeling to Gangtok	14	14	-	-	14	14
2	Kalimpong to Gangtok	8	10	-	-	8	10
3	Siliguri to jorethang	10	16	-	-	10	16
4	Siliguri to Gangtok	30	50	+10	+18	40	68
5	Siliguri to Rongli	6	6	-	-	6	6
6	Rongli to Jorthang	1	2	-	-	1	2
7	Panitanki to Gangtok	3	6	+6	+12	9	18
8	Jaigaon to Gangtok	4	8	-	-	4	8
9	Gangtok to Kolkata	5	5	-	-	5	5
10	Jalpaiguri to Gangtok	3	6	+6	+12	9	18
11	Alipurduar to Gangtok	2	2	+6	+6	8	8
12	Siliguri to Namchi	4	5	+1	+2	5	7
13	Siliguri to Gyalshing	3	3	+2	+4	5	7
14	Siliguri to Mangan	3	3	+3	+3	6	6
15	Cooch behar to Gangtok	2	2	+2	+2	4	4
16	Sitai to Gangtok	2	1	+3	+3	5	4
17	Siliguri to Pelling	2	3	+1	+2	3	5
		102	142	+40	+64	142	206